

SENATE BILL 3028

By Faulk

AN ACT to amend Tennessee Code Annotated, Title 55,
relative to all-terrain vehicles.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-3-101, is amended by adding the following language as a new subsection:

(d) All-terrain vehicles may be registered with the department in accordance with SECTION 6 of this act. For purposes of this title, "all-terrain vehicle" means a motor vehicle fifty-two inches (52") or less in width, having at least one (1) head light and one (1) tail light, an unladen weight of eight hundred pounds (800 lbs.) or less, traveling on three (3) or more low pressure tires with a seat designed to be straddled by the rider, or a seat designed for two (2) passengers side-by-side if a roll cage is attached, and designed for or capable of travel over unimproved terrain.

SECTION 2. Tennessee Code Annotated, Section 55-4-202(a), is amended by adding the following language as a new subdivision:

(19) All-terrain vehicle;

SECTION 3. Tennessee Code Annotated, Section 55-4-203(a), is amended by adding the following language as a new subdivision:

(15) All-terrain vehicle -- regular fee applicable to the vehicle, except as expressly provided otherwise in SECTION 6 of this act.

SECTION 4. Tennessee Code Annotated, Section 55-4-209, is amended by adding the following language as a new, appropriately designated subdivision:

() "All-terrain vehicle plate" or "all-terrain vehicle license plate" means those motor vehicle registration plates, as enumerated in § 55-4-202(a)(19) and described in SECTION 6 of this act, that are issued to all-terrain vehicles defined in § 55-3-101(d); SECTION 5. Tennessee Code Annotated, Section 55-4-210, is amended by adding the following language as a new subsection:

(f) The department is authorized to issue all-terrain vehicle plates for all-terrain vehicles. Such plates may be issued annually or, for non-residents, temporarily.

SECTION 6. Tennessee Code Annotated, Title 55, Chapter 4, is amended by adding the following language as a new section:

§ 55-4-____. An owner or lessee of an all-terrain vehicle who is a resident of this state, or who will use such vehicle in this state for some limited duration, upon complying with rules and regulations promulgated by the department, and paying the required fee, as determined by the department, shall be issued an all-terrain vehicle license plate authorized for all-terrain vehicles and authorized in § 55-4-210(f).

SECTION 7. Tennessee Code Annotated, Title 55, Chapter 8, is amended by adding the following language as a new, appropriately designated section:

§ 55-8-____.

(a) All-terrain vehicles registered pursuant to SECTION 6 of this act may be operated or driven upon a highway, but no all-terrain vehicle may be operated on any:

(1) Highway that is a part of the interstate and defense highway system; or

(2) Highway having more than two (2) lanes, except for the purpose of crossing such highway if:

(i) The crossing is made at an angle of approximately ninety (90) degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing;

(ii) The vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the highway;

(iii) The operator yields his or her right-of-way to all oncoming traffic that constitutes an immediate potential hazard; and

(iv) Both the headlight and taillight are illuminated when the crossing is made if the vehicle is so equipped.

(b) An all-terrain vehicle may, for the purpose of crossing from one (1) trail, field or area of operation to another, be operated upon any road, street or highway having two (2) lanes or less that connects to businesses for the specific purpose of acquiring fuel, food or shelter, for a distance not to exceed ten (10) miles, if:

(1) The vehicle is operated at a speed of twenty-five miles per hour (25 m.p.h.) or less;

(2) Such road, street or highway is designated by a municipality or county and marked in accordance with subsection (f);

(3) When the vehicle is operated at any time from one-half (1/2) hour before sunset and one-half (1/2) hour after sunrise, the headlight and taillight shall be illuminated;

(4) The number of passengers on such vehicle does not exceed the manufacturers' recommendations;

(5) For any passenger under the age of eighteen (18), the operator is eighteen (18) years of age or older;

(6) The vehicle is equipped with a manufacturer-installed or equivalent spark arrester and a manufacturer-installed or equivalent muffler in proper working order and properly connected to the vehicle's exhaust system; and

(7) The operator:

(A) Possesses a valid driver license from this state or an equivalent license from another state;

(B) And all passengers comply with § 55-9-302; and

(C) Otherwise complies with the provisions of this chapter.

(c) This section does not apply to the operation of an all-terrain vehicle on any private or public recreational trail or area, or affiliated trail or area operated by a person or entity which has in place a safety program.

(d) Any person or entity renting or leasing all-terrain vehicles for recreational purposes shall provide helmets conforming to § 55-9-302 to all users.

(e) A violation of subsections (a) - (d) is a Class C misdemeanor.

(f)

(1) The governing body of any county may by lawfully enacted resolution regulate or prohibit the operation of all-terrain vehicles on any street, road or highway solely under the county's jurisdiction; provided, that such county provides written notification to the department of safety prior to such resolution becoming effective and posts appropriate signage designating such street, road or highway for all-terrain vehicle use. A county may charge a fee to an operator of an all terrain vehicle, no more than twenty-five dollars (\$25.00) annually, for the use and marking of any such road.

(2) The governing body of a municipality may regulate in any manner or prohibit, by lawfully enacted ordinance, the operation of all-terrain vehicles upon

any street, road or highway solely under the municipality's jurisdiction; provided, that such municipality posts appropriate signage designating such street, road or highway for all-terrain vehicle use. A municipality may charge a fee to an operator of an all terrain vehicle, no more than twenty-five dollars (\$25.00), for the use and marking of any such highway.

(3) Homeowner associations may petition the county commission of the county for a resolution to regulate or prohibit the operation of all-terrain vehicles upon any street, road or highway within the area regulated by the homeowner association.

(g) State and local government agencies are encouraged to make local parks, natural areas and forest areas available for use by all-terrain vehicles to the extent practicable and coordinate with counties and municipalities to make certain streets, roads or highways available for use by such vehicles.

SECTION 8. The commissioner of revenue is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 9. This act shall take effect July 1, 2010, the public welfare requiring it.